

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HOPE HALLER,

Plaintiff

V.

AMERICAN FAMILY MUTUAL
INSURANCE COMPANY, S.I.,

Defendant.

Cause No:

JURY TRIAL DEMANDED

Circuit Court Cause No: 2022-
CC01095

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. Sections 1332, 1441, and 1446, Defendant American Family Mutual Insurance Company, S.I. (“American Family”), by and through its undersigned attorney, hereby removes this action from the Circuit Court of St. Louis City, State of Missouri, to the United States District Court for the Eastern District of Missouri. In support of this Notice, American Family states as follows:

1. On or about August 10, 2020, Defendant received a copy of Plaintiff’s Petition filed in the Circuit Court of St. Louis City, State of Missouri, in the civil case styled *Hope Haller, Plaintiff v. American Family Mutual Insurance Company, S.I., Defendant*, Cause No. 2022-CC01095, seeking to recover on a breach of contract. (See Attached Notice from the State of Missouri, Department of Insurance, Financial Institutions and Professional Regulation contained in the attached “Exhibit A”.)

2. Pursuant to 28 U.S.C. Sections 1446(a) and E.D. Mo. L.R. 2.03, a copy of all process, pleadings, orders and other documents now on file in the state court is attached hereto as “Exhibit A”.

3. As described below, this Court has diversity jurisdiction over this civil action.

4. This case is properly removed to this Court pursuant to 28 U.S.C. sections 1332 and 1441, because it is a civil action wherein the amount in controversy exceeds the sum of \$75,000, exclusive of costs and interest, and it is between citizens of different States.

5. Plaintiff is a citizen of the State of Missouri and American Family is a foreign insurance company incorporated in Wisconsin and with its principal place of business in the State of Wisconsin.

6. This Notice of Removal is timely filed. American Family received a copy of the Plaintiff's Petition on August 10, 2020. *See* Exhibit A. This Notice of Removal is filed within thirty (30) days after receipt by American Family of this "initial pleading against it setting forth the claim for relief upon which such action or proceeding is based," pursuant to 28 U.S.C. Section 1446(b).

7. This action is being removed to the District Court of the United States for the district embracing the place where the action is pending. 28 U.S.C. Section 1441(a).

8. The amount in controversy is satisfied based upon the allegations in Plaintiff's Petition. Specifically, Plaintiff alleges that Plaintiff has uninsured motorist coverage in the amount of \$150,000, and further alleges that she is entitled to recovery up to the full amount of the policy limit. *See* Exhibit A, Plaintiff's Petition.

9. Because Plaintiff is suing American Family as an insured under the subject policy, this matter is not a "direct action" within the meaning of 28 U.S.C. Section 1332(c). *Anders v Zurich Am. Ins. Co.*, Case No.: 4:1 CV 1803 RWS (E.D. Mo Dec. 17, 2015); *Niesman v. Cincinnati Ins. Co.*, 2006 WL 27213 (E.D. Mo. Jan. 5, 2006); *Chinnock v. Safeco Nat'l. Ins. Co.*, 2010 WL 2803056 (W.D. Mo. July 15, 2010).

10. American Family will give Plaintiff written notice of the filing of this Notice of Removal and shall file written notice of the filing of his Notice of Removal with the Circuit Court of St. Louis City, State of Missouri, attaching a copy of this Notice of Removal.

WHEREFORE, American Family gives notice that the matter styled as *Hope Haller, Plaintiff v. American Family Mutual Insurance Company, S.I., Defendant*, Cause No. 2022-CC01095, filed in the Circuit Court of St. Louis City, State of Missouri, is removed to the United States District Court for the Eastern District of Missouri.

Respectfully submitted,



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Attorney for American Family Insurance
Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 9, 2020 this document was electronically filed through the Court's e-file system and a true and accurate copy of the foregoing document was sent via electronic mail and U.S. Mail to:

Joseph V. Neill
5201 Hampton Ave.
St. Louis, MO 63109
EMAIL: neill5300@aol.com.

